

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [BA] No.12 of 2015**

(Pappu Hemraj Sonwane

vs.

*The State of Maharashtra, through P.S.O. Kalmeshwar, District Nagpur)*

=====

*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*

=====

*Court's or Judge's Orders*

**CORAM : PRASANNA B. VARALE, J.**

**DATE : FEBRUARY 05, 2015.**

Heard Mr. R.U. Girde, the learned Counsel for the applicant.

The applicant is before this Court seeking his enlargement on bail in connection with Crime No.219/2013, registered at Kalmeshwar Police Station, District Nagpur for the offences punishable under Sections 341, 376(2)(I) and 506 of the Indian Penal Code read with Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

The submission of the learned Counsel for the applicant are in two fold. Firstly the learned Counsel submits that the prosecution failed to file the charge-sheet within a period of 90 days and the other submission is, the alleged incident is of 18/08/2013. He submits that the applicant was arrested on the very next day i.e. on 19/08/2013 and since then the applicant is behind the bars. The learned Counsel further

submits that the applicant is a young person of 24 years of age and working his livelihood by doing labour work. He further submits that all the necessary material is collected and the investigation is concluded by filing the charge-sheet. He further submits that as the applicant is a labourer and as there are no criminal antecedents alleged against him, there is no apprehension that the applicant would flee away or would not be available for the conduct of the trial.

Mr. R.S. Nayak, the learned Additional Public Prosecutor opposes the application. He relies on the reply filed by the State on 05/02/2015.

On perusal of the material placed on record, it reveals that the allegation in the report against the applicant is, the applicant on 18/08/2013 reached the house of victim at about 03:00 p.m., when the victim was alone in her house. He dragged the victim in the house and subjected the victim to sexual exploitation. He gave threats of live. When the victim was resisting the act of the applicant, a neighbour, who accidentally entered on the scene and found the applicant, gave slaps to the applicant. The victim was subjected to medical examination. The certificate issued by the Medical Officer shows no external injuries either to genitals or to other part of the body. The statements were recorded of the witnesses namely neighbour-Rekhabai and father of the victim-Namdeorao. It

reveals that all the necessary material is collected by the investigating agency. Certain material is forwarded to the Chemical Analyzer, but the C.A. Report is awaited.

Considering all the material and more particularly to the medical report and the fact that the applicant is behind the bars for a period of more than a year and he is a labourer, there cannot be any apprehension that he will leave his place of working and residence as well as there is no material to show that the applicant is having any criminal antecedents to discredit him and it will take sufficient time for commencement of the trial and it's conclusion, in my opinion, the leaned Counsel for the applicant has made out a case.

In the result, the application is allowed. The applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount on the following conditions.

- i. The applicant to attend Kalmeshwar Police Station, District Nagpur on every second and forth Sunday of the month from 09:00 a.m. to 12:00 noon and maintain diary of his attendance duly countersigned by the Police Station Officer till commencement of the trial.
- ii. The applicant shall not tamper with the evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.

- iii. The applicant to submit his residential address and contact numbers, such as phone/mobiles numbers, to the investigating agency or in case of change.
- iv. In case the applicant is moving out of the area of Kalmeshwar Police Station, he shall take permission and inform the concerned Police Station about his visit to other place.

In case of any breach of the conditions by the applicant, the State would be at liberty to move this Court.

Needless to say that these observations are for consideration of the prayer of the applicant for enlargement on bail and the learned Sessions Judge may not be influenced by these observations in the process and progress of the trial.

The application is disposed of as such.

**JUDGE**

*\*sdw*